

From: [Bill Jacobs](#)
To: [Dan Peacock](#)
Subject: Fw: Registration Data Question
Date: 07/09/2008 02:11 PM

I recently found physical copies of some of the reports to which Metzger alludes. I suppose that they want to cite the data.

My understanding is that ICI/Zeneca bought Sherman's bait station patents ("to get them off the market", I was told). I'm not sure whether those included the Combat-type mouse baiter but it could sully the plans and give Sherman no rights to his own inventions.

----- Forwarded by Bill Jacobs/DC/USEPA/US on 07/09/2008 02:08 PM -----

"Metzger, Bill"
<bill.metzger@spectrumbrands.com>
To: Dan Peacock/DC/USEPA/US@EPA
cc: Bill Jacobs/DC/USEPA/US@EPA
07/07/2008 03:48 PM
Subject: RE: Registration Data Question

Yes it was, but the patents have run out also. I've spoken to Dan Sherman and he would be willing to work with me (United Industries) if necessary.

-----Original Message-----

From: Peacock.Dan@epamail.epa.gov [mailto:Peacock.Dan@epamail.epa.gov]
Sent: Monday, July 07, 2008 2:40 PM
To: Metzger, Bill
Cc: Jacobs.Bill@epamail.epa.gov
Subject: Re: Registration Data Question

Bill,

I will have to research this one and get back to you.
The unit was probably patented as well.

Thank You,

Daniel B. Peacock, Biologist
Tel: 703-305-5407
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E-Mail: peacock.dan@epa.gov

Addresses:

United States Postal Service (USPS): USEPA, Insecticide-Rodenticide Branch, Registration Division (7504P), 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001

Courier Deliveries: USEPA, Insecticide-Rodenticide Branch, Registration Division, Room S-4900, One Potomac Yard, 2777 Crystal Drive, Arlington, VA 22202

"Metzger, Bill"
<bill.metzger@spectrumbrands.com>
To: Dan Peacock/DC/USEPA/US@EPA
cc: 07/07/2008 03:01 PM
Subject:

Registration Data Question

Hello Dan,

I have a question for you, but I'm not sure if you are the right person to ask. As you may recall, about 20 years ago I worked for American Cyanamid Company and Dan Sherman (Sherman Technologies) on the registration of both a refillable and disposable Tamper Resistant and Child Resistant Mouse Bait Station. This was under the COMBAT name.

The data is still identified in the PDMS system with MRIDs, but the exclusivity period has long elapsed. My question is two-fold:

1) If I were to request a full copy of those reports and submissions (including design drawings), could I get them via FOIA? This leads to question 2)

2) If I designed a unit identical in every way with those design drawings, could I then make a submission for a new bait station referencing all of that previously submitted data?

Alternatively, I have been in discussions with Dan Sherman concerning the data. All of it was submitted by myself while at Cyanamid and it is catalogued that way. However, all of it was transferred to Dan around 1987 along with the actual EPA registered products. Dan let those registrations lapse several years ago for failure to pay the maintenance fee.

Thoughts?

Bill Metzger
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Corporation

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